EXHIBIT 14

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	Page
	JESSE ANGELO
UNITED STATES	S DISTRICT COURT
	TRICT OF NEW YORK
	X
SANDRA GUZMAN	
	Plaintiff,
	-against- 09CIV9323 (BSJ) (RLE)
	CION, NYP HOLDINGS, INC., d/b/a
	POST, and COL ALLAN, in his individual capacities,
Official and	individual capacities,
	Defendants.
	X
AUSTIN FENNER	R and IKIMULISA LIVINGSTON,
	Plaintiffs,
	-against- 09CIV9832 (BSJ)(RLE)
NEWS CORPORAT	TION, NYP HOLDINGS, INC., d/b/a
	POST and DAN GREENFIELD and
THE NEW YORK	THELF,
THE NEW YORK	
	THELF,
THE NEW YORK	THELF,
THE NEW YORK MICHELLE GOTT	THELF, DefendantsX
THE NEW YORK MICHELLE GOTT	THELF, DefendantsX EOTAPED DEPOSITION OF JESSE ANGELO
THE NEW YORK MICHELLE GOTT	THELF, Defendants. X EOTAPED DEPOSITION OF JESSE ANGELO New York, New York
THE NEW YORK MICHELLE GOTT	THELF, Defendants. X EOTAPED DEPOSITION OF JESSE ANGELO
THE NEW YORK MICHELLE GOTT	Defendants. Defendants. COTAPED DEPOSITION OF JESSE ANGELO New York, New York Wednesday, April 25, 2012
THE NEW YORK MICHELLE GOTT	Defendants. Defendants. COTAPED DEPOSITION OF JESSE ANGELO New York, New York Wednesday, April 25, 2012 BARBARA R. ZELTMAN
THE NEW YORK MICHELLE GOTT	Defendants. Defendants. COTAPED DEPOSITION OF JESSE ANGELO New York, New York Wednesday, April 25, 2012 BARBARA R. ZELTMAN (BOBBIE)
THE NEW YORK MICHELLE GOTT	Defendants. Defendants. COTAPED DEPOSITION OF JESSE ANGELO New York, New York Wednesday, April 25, 2012 BARBARA R. ZELTMAN

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1	JESSE ANGELO - CONFIDENTIAL	1	JESSE ANGELO
2	you have ever supervised William Gorta?	2	MR. CLARK: Could you mark this
3	A Yes.	3	next one as 13.
4	Q I skipped over him because I want	4	(Angelo Exhibit 13, E-mail
5	to talk about him a little more.	5	dated Wednesday, February 13, 2008,
6	I guess to start, was William Gorta	6	7:16 p.m., Bates Number
7	a good writer?	7	NYP-FL-003926, was marked for
8	A Yes.	8	Identification.)
9	Q Did William Gorta have any	9	BY MR. CLARK:
10	problems, from your point of view, as a	10	Q This is Bates-stamped NYP-FL-3926.
11	writer?	11	Have you had a chance to look at
12	A My main recollection of working	12	it?
13	with Billy Gorta was him as an editor. I	13	A Yes.
14	don't have strong recollections of him as	14	Q Do you recognize the e-mail that is
15	a writer.	15	reproduced in Angelo 13?
16	I don't recall him having problems	16	A Yes.
17	as a writer.	17	Q Did you write this e-mail?
18		18	A Yes.
19		19	Q Can you just let's go through it
20		20	sentence by sentence.
21	Q What kind of problems did you have?	21	Can you read that first sentence
22	A Lack of leadership. Bad attitude.	22	for me.
23	Not giving enough effort.	23	A "As we discussed yesterday, I'm
24	(Whereupon, this marks the end of	24	concerned about your attitude in the
25	Confidential testimony.)	25	newsroom and do not want to see it become a
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		3	Contains Confidential Lording
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1	_	1	Page 213
1 2	JESSE ANGELO	1 2	Page 213 JESSE ANGELO
2	JESSE ANGELO major issue."	2	Page 213 JESSE ANGELO initiated it to discuss his behavior or if
2 3	JESSE ANGELO major issue." Q So is that accurate, what you	2 3	Page 213 JESSE ANGELO initiated it to discuss his behavior or if we were having another discussion and I also
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1	JESSE ANGELO	1	JESSE ANGELO
2	develop and refine his editing skills?	2	Q So in 2009, Bill Gorta was the
3	A I can't speak to that.	3	Queens Courthouse reporter, correct?
4	(Angelo Exhibit 18, APA, FY	4	MR. LERNER: Objection.
5	2009, Bates Numbers NYP-FL-001322	5	Foundation.
6	through NYP-FL-001325, was marked	6	
7	for Identification.)	7	A I know that for some period of time
8		8	after he was demoted from being an associate
	THE WITNESS: Okay. BY MR. CLARK:	1	Metropolitan editor back to being a
9 10		9	reporter, there was a portion of time where
	Q Have you seen this document before?	10	he was assigned to the Queens Courthouse. I
11	A Not that I recall.	11	don't know the duration or when exactly that
12	Q This appears to be a performance	12	was. So again, this performance appraisal
13	evaluation for Billy Gorta for 2009,	13	would imply that it was in some portion of
14	correct?	14	2009.
15	A Yes.	15	Q Did you have any role in
16	Q Do you have any reason to think	16	supervising Billy Gorta when he was Queens
17	that this is not his final performance	17	County Courthouse?
18	evaluation?	18	A No.
19	A No.	19	Q Do you have any direct firsthand
20	Q Where it says "Position" it says	20	knowledge of his performance as Queens
21	"Reporter, Queens Court."	21	Courthouse reporter?
22	Is that accurate?	22	A No.
23	A I'm sorry. Which page are you on?	23	Q I want to refer you to again the
24	Q On the first page.	24	Areas of Focus Improvement.
25	A Yes.	25	It says "William needs to work on
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	150 Reporting - Worldwide - 877-702-7300		130 Reporting - Worldwide 877-702-9380
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1	JESSE ANGELO	1	JESSE ANGELO
2	his writing so he doesn't immediately need	2	Q So needing to have stories
3	rewrite for major trials."	3	rewritten as a reporter, is that a serious
4	Do you see that?	4	problem?
5	A Yes.	5	MR. LERNER: Objection.
6	Q In your experience as an editor,	6	A Not necessarily.
7	would it be unusual for court reporters to	7	Q Do lots of reporters need to have
8	need rewriting for trials?	8	their stories rewritten?
9	MR. LERNER: Objection.	9	MR. LERNER: Objection.
10	A Yes.	10	Q Let me rephrase it.
11	Q So this was an area where William	11	Is it unusual for reporters to need
12	really would have been deficient?	12	to have their stories rewritten?
13	MR. LERNER: Objection.	13	MR. LERNER: Objection.
14	A I can't say that. I have	14	A No.
15	absolutely no knowledge of his performance	15	Q How frequently in your experience
16		16	do reporters need to have their stories
17		17	rewritten?
18	•	18	MR. LERNER: Objection.
19	-	19	
20			
21		20 21	rewrite can serve a number of roles.
	S S		So a reporter that is covering a
22		22	story that may be out of the office would
23		23	often, can and it happens with
24		24	regularity feed notes to a rewrite
25		25	person.
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1	JESSE ANGELO	1	JESSE ANGELO
2	A No, I'm not. Sorry.	2	MR. LERNER: Objection.
3	Q United States Supreme Court is not	3	A Again, this hypothetical position
4	an important beat?	4	covering the United States Supreme Court for
5	MR. LERNER: Objection.	5	The New York Post does not exist. I've
6	A Once again	6	never heard of that beat occurring at
7	MR. LERNER: His testimony was	7	The New York Post.
8	there was no Supreme Court beat.	8	So making a hypothetical comparison
9	MR. CLARK: His testimony is	9	between something that doesn't exist and
10	all beats are equal, which is clearly	10	another job that you are describing in
11	not true.	11	incredibly broad terms, I don't feel
12	MR. LERNER: Hold on. There's	12	comfortable making that comparison.
1.3	no question pending.	13	Q Would it be reasonable for someone,
14	Q Is your testimony all beats are	14	for a reporter who would cover a courthouse
15	equal.	15	and then sent to be a runner reporter to
16	The United States Supreme reporter	16	consider that to be a demotion?
17	and runner reporter, one beat is just as	17	MR. LERNER: Objection.
18	good as the next.	18	A It is not a demotion. It is a
119	Is that your testimony?	19	reassignment to a different role.
2.U	MR. LERNER: Objection.	20	Q Well, Mr. Gorta was reassigned,
р 3 К Т	A I don't believe that is an accurate	21	right?
D 3	description of my testimony. Q So a reporter assigned to the	22 23	A Mr. Gorta was demoted from being an associate Metropolitan editor to being a
24		24	,
19 20 21 22 23 24 25		25	reporter. That was the demotion.
F	•		
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	Page 280		Page 281
1	JESSE ANGELO	1	JESSE ANGELO
2	Q So why isn't it a demotion to go	2	e-mails with Ms. Livingston between the
3	from courthouse reporter to runner reporter?	3	first e-mail on Friday and the next e-mail
4	MR. LERNER: Objection.	4	on Monday?
5 6	Argumentative.	5	A I don't recall any discussions with
7	A They're different roles. They're	6 7	Ms. Livingston in the time frame that you
8	both reporters. They're just different roles. It's not a demotion.	8	described. Q But you don't know if you did or
9	MR. CLARK: Could we mark this	9	Q But you don't know if you did or you didn't. You just don't recall?
10	as 20.	10	A I don't recall having those
11		11	conversations.
12		12	Q In her e-mail dated the 30th,
13		13	which is 20, she references that in 2004 she
14		14	asked to be considered for the Queens
1.5		15	Courthouse position.
16	BY MR. CLARK:	16	Do you know if that's a true
17	~ 11	17	statement?
18	•	18	A I don't recall.
19		19	Q Do you remember if you ever
20		20	investigated whether that was a true
21	•	21	statement?
21 22 23 24		22	A Do I recall if I investigated if
F3		23	that was a true statement.
	- 0	24	Q In other words, do you recall if
25		25	you investigated whether she had applied in
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1	JESSE ANGELO	1	JESSE ANGELO
2	2004 for the position?	2	A "Might as well give Kim Queens.
3	MR. LERNER: Objection.	3	She's shown she can write pretty well off
4	A No, I don't recall investigating	4	press releases."
5	whether she the truth of the statement	5	Q So obviously, this was what
6	she had applied in 2004.	6	Michelle said to you, correct?
7	Q Do you have any reason to believe	7	A It is an e-mail from Michelle to
8	that she had not applied in 2004 for the	8	me, yes. Or appears to be a facsimile
9	Queens Courthouse position?	9	thereof, yes.
10	MR. LERNER: Objection.	10	Q Do you remember receiving this
11	A No.	11	e-mail from Michelle Gotthelf?
12	MR. CLARK: Mark this as 21.	12	A No, I do not.
13	(Angelo Exhibit 21, E-mail	13	Q Do you agree with the statement
14	dated Thursday, February 16, 2006,	14	that Kim had shown she can write pretty well
15	5:51 p.m., Bates Number	15	off press releases?
16	NYP-FL-001947, was marked for	16	A I wanted to put Kim into Queens
17	Identification.)	17	Court, I recall, because I wanted to give
18	BY MR. CLARK:	18	her a new role and give her a chance to
19	Q It's very short, so take a minute	19	succeed.
20	and read it.	20	Q Why did you specifically want her
21	This is Bates-stamped NYP-FL-1947.	21	for the role of Queens Courthouse reporter?
22	And as you can see, this appears to	22	MR. LERNER: Objection.
23	be an e-mail from Michelle Gotthelf to you,	23	A She had been doing a role in the
24	Mr. Angelo, dated February 16, 2006.	24	newsroom where she had not been successful,
25	Could you read that for me?	25	and as an editor, you're constantly trying
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1	JESSE ANGELO	1	JESSE ANGELO
2	to find the right role for a reporter	2	are a lot of stories that are occurring in
3	wherein they're going to contribute to the	3	front of you.
4	newspaper and be successful.	4	There are filings in civil cases,
5	She hadn't been successful in the	5	there are criminal cases that are moving
6	role she was doing in the newsroom.	6	through a courthouse. Therefore, the burden
7	Again, I don't recall these e-mails	7	of trying to come up with story ideas out of
8	of her putting her head up for the beat, but	8	thin air, so to speak, is less, so I thought
9	when the beat came open, I remember thinking	9	that maybe having as well as having
10	and discussing with Michelle that it might	10	ownership of a patch, ownership of a
11	be a really good role for Kim, that perhaps	11	physical area, might help her to be more
12	she would work well in the Queens	12	successful in her role as reporter.
13	Courthouse.	13	Q So you felt this was a good fit for
14	So that was my recollection of how	14	Kim?
15	she came to be given the role of Queens	15	MR. LERNER: Objection.
16	Courthouse.	16	A I wanted to try and see if we could
17	Q Why do you think she might work	17	find a role for Kim wherein she could be
18	well in the Queens Courthouse?	18	successful.
19	A Because when she was a reporter in	19	And I thought this might be a role
20	the newsroom, one of the key things that she	20	where she would be successful.
21	was supposed to be doing was generating	21	MR. CLARK: We're out of tape,
22	story ideas, and she was not having success	22 23	so let's take five to change things. THE VIDEOGRAPHER: The time is
h o	J - 1 - 4 - 4		
23	doing that.	1	
24	And one of the things about the	24	5:15. We're going of the record.
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	Page 334		Page 335
1	JESSE ANGELO	1	JESSE ANGELO
2	Michelle Gotthelf, Col Allan, any employee	2	Q These were two different
3	of The New York Post talk to you about the	3	conversations, correct?
4	decision to fire Austin Fenner prior to the	4	A Again, I don't have specific
5		5	recollections of specific conversations, but
6	filing of the lawsuit? A Yes.	6	I know that it wasn't one conversation where
7	Q Who talked to you about that	7	both of those things occurred. I remember
8	decision?	8	that it was a period of time. But I don't
9	A Michelle.	9	recall specific conversations I had with
10	Q Other than the conversation with	10	her.
11		11	Q You have "Three things that need
12	Michelle, is there anyone else? A No, not that I recall.	12	fixing at The New York Post" published by
13	,	13	Journalisms.
14	Q So during the conversation when she said she was not satisfied, she indicated	14	You never read that article before?
15	she wanted to fire him?	15	A No.
16		16	MR. CLARK: Mark this as 28.
	MR. LERNER: Objection.		***************************************
17 18	A My recollection is that Michelle was not satisfied with Austin's performance	17 18	And again, this is a long article. I don't want you to read the whole
19		1	
20	for a period of time, and then I remember	19 20	thing. I just want you to glance at the cover and tell me if it refreshes
21	her saying that she was going to let him go.	21	
22	I don't recall the sequence how	22	your recollection. It's not worth
23	long that process was. I just remember		reading the whole thing.
24	being vaguely aware of her dissatisfaction	23	(Angelo Exhibit 28, Article,
	and then decision to terminate his	24	Bates Numbers AF-34 through AF-44,
25	employment.	25	was marked for Identification.)
	TSG Reporting - Worldwide 877-702-9580	ļ	TSG Reporting - Worldwide 877-702-9580
	Contains Confidential Portions		Contains Confidential Portions
	Page 336		Page 337
1	JESSE ANGELO	1	JESSE ANGELO
2	BY MR. CLARK:	2	at the paper was when you met her?
1 2	Q Again, I don't want you to read the		
3	2 1280211, 2 11012 0 11 11 11 1 1 1 1 1 1 1 1 1 1	3	A I was City editor.
4	whole thing.		Q Did you and were you still City
1		3 4 5	Q Did you and were you still City editor when she left? Or had you been
4	whole thing.	3 4	Q Did you and were you still City
4 5	whole thing. Does this refresh your recollection	3 4 5	Q Did you and were you still City editor when she left? Or had you been
4 5	whole thing. Does this refresh your recollection of ever having seen this before?	3 4 5	Q Did you and were you still City editor when she left? Or had you been promoted at that time?
4 5 6 7	whole thing. Does this refresh your recollection of ever having seen this before? A No.	3 4 5 6 7	Q Did you and were you still City editor when she left? Or had you been promoted at that time? A When did she leave? Q She left in 2009. September 2009, I believe.
4 5 6 7 8	whole thing. Does this refresh your recollection of ever having seen this before? A No. Q Okay. That's fine.	3 4 5 6 7 8	Q Did you and were you still City editor when she left? Or had you been promoted at that time? A When did she leave? Q She left in 2009. September 2009,
4 5 6 7 8 9 10	whole thing. Does this refresh your recollection of ever having seen this before? A No. Q Okay. That's fine. Did you ever directly supervise	3 4 5 6 7 8 9 10	Q Did you and were you still City editor when she left? Or had you been promoted at that time? A When did she leave? Q She left in 2009. September 2009, I believe. A No, I was not City editor. Q Did you or any of your reporters
4 5 6 7 8 9	whole thing. Does this refresh your recollection of ever having seen this before? A No. Q Okay. That's fine. Did you ever directly supervise Sandra Guzman?	3 4 5 6 7 8 9 10 11	Q Did you and were you still City editor when she left? Or had you been promoted at that time? A When did she leave? Q She left in 2009. September 2009, I believe. A No, I was not City editor.
4 5 6 7 8 9 10	whole thing. Does this refresh your recollection of ever having seen this before? A No. Q Okay. That's fine. Did you ever directly supervise Sandra Guzman? A No.	3 4 5 6 7 8 9 10	Q Did you and were you still City editor when she left? Or had you been promoted at that time? A When did she leave? Q She left in 2009. September 2009, I believe. A No, I was not City editor. Q Did you or any of your reporters ever contribute to the Tempo section. I mean, not you directly but did you have
4 5 6 7 8 9 10 11	whole thing. Does this refresh your recollection of ever having seen this before? A No. Q Okay. That's fine. Did you ever directly supervise Sandra Guzman? A No. Q When did you first meet Sandra	3 4 5 6 7 8 9 10 11 12 13	Q Did you and were you still City editor when she left? Or had you been promoted at that time? A When did she leave? Q She left in 2009. September 2009, I believe. A No, I was not City editor. Q Did you or any of your reporters ever contribute to the Tempo section. I
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    UNITED STATES DISTRICT COURT
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    SOUTHERN DISTRICT OF NEW YORK
    _____)
    AUSTIN FENNER and
    IKIMULISA LIVINGSTON,
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                    Plaintiff, )09 CV 9832
6
                                   ) (BSJ) (RLE)
            VS.
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    NEWS CORPORATION, NYP HOLDINGS,)
8
    INC., d/b/a THE NEW YORK POST )
    and DAN GREENFIELD and MICHELLE)
    GOTTHELF,
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                    Defendants.
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15
16
                 DEPOSITION OF JESSE ANGELO
17
                     New York, New York
18
                    Friday, April 5, 2013
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    Reported by:
    JOMANNA DeROSA, CSR
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    JOB NO. 59957
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1 J. ANGELO 2 A. I worked with her at The New York 3 Post. 4 Q. And are you aware of what 5 Ms. Livingston's last position with The New York 6 Post was? 7 A. Yes. 8 Q. And what was that? 9 A. She was a reporter. 10 Q. Okay. Was she a particular kind of 11 reporter or assigned to a particular beat? 12 A. I believe she was a general 13 assignment reporter. 14 Q. Okay. And at the time of well, 15 actually, let's start here. 16 Approximately when, if at any time, 17 did Ms. Livingston's employment with The New York 18 Post, as a general assignment reporter, end? 19 A. Kim was dismissed for gross 10 Ms. Livingston's employment with The New York 11 Post, as a general assignment reporter, end? 12 A. Kim was dismissed for gross 13 A. Me. 14 Q. Okay. And do you know who Ms. Livingston's employment decision to terminate Ms. Livingston's employment with The New York 16 Post, as a general assignment reporter, end? 17 A. Kim was dismissed for gross 19 A. Kim was dismissed for gross 19 A. Me. 20 Okay. At the time of her 21 termination, how would you describe 22 Ms. Livingston's skill level as a general 23 assignment reporter? 24 Ms. Livingston's skill level as a general 25 assignment reporter? 26 Q. Sure. Did you alone make the		Page 18		Page 19
2 Q. Right. After Mr. Murdoch 3 approached you about that position, did you talk with anyone else at The Post, News Corp. or any of their affiliates, before assuming your duties as publisher? NR. LERNER: About taking that position? NR. Before I accepted the position? Q. Yes. A. Not that I recall. I mean, I don't A. Not that I recall. I mean, I don't A. Not that I recall. I mean, I don't A. Not that I recall. I mean, I don't A. Not that I recall. I mean, I don't A. Not that I recall. I mean, I don't A. Not that I recall. I mean, I don't A. Not that I recall. I mean, I don't A. A SCEO of the business I have the authority to hire and fire reporters at The Post; A. That is correct, yes. Q. Okay. And you began work as publisher at The Post in or around mid-December of 2012. Is that right? A. That is correct, yes. Q. Okay. And what are your duties as publisher at The Post in or around mid-December of 2012. Stath aright? A. I run the business. TSG Reporting - Worldwide 877-702-9580 Post. A. I worked with her at The New York Post. A. I worked with her at The New York Post. A. No. Q. Okay. How how how how her at all? A. Oyer a decade. Q. Okay. How how her at all? A. Oyer a decade. Q. Okay. Was she a particular kind of reporter or assigned to a particular kind A. She was a reporter. Q. Okay. And at the time of well, actually, let's start here. Q. Okay. And a the time of well, actually, let's start here. A. The lie correct of the business in a wetter A. The lie correct of the business of the post of the post of the post of the po	1	J. ANGELO	1	J. ANGELO
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12 A. I believe she was a general 13 assignment reporter. 14 Q. Okay. And at the time of well, 15 actually, let's start here. 16 Approximately when, if at any time, 17 did Ms. Livingston's employment with The New York 18 Post, as a general assignment reporter, end? 19 A. Kim was dismissed for gross 20 misconduct in I believe it was the end of 21 February. 22 Q. Okay. At the time of her 23 termination, how would you describe 24 Ms. Livingston's skill level as a general 25 assignment reporter? 21 A. I believe it was Dan Greenfield and/or Michelle Gotthelf. I don't know exactly who she directly reported to, though. Q. Okay. And do you know who made the decision to terminate Ms. Livingston's employment A. Yes. Q. And who is that? A. Me. Q. And did you make that decision unilaterally? MR. LERNER: Objection to form. A. Okay. Can you be more specific about "unilaterally"? Q. Sure. Did you alone make the	11		11	supervisor was at the time of her termination?
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24 Ms. Livingston's skill level as a general 24 about "unilaterally"? 25 assignment reporter? 25 Q. Sure. Did you alone make the			1	•
25 assignment reporter? 25 Q. Sure. Did you alone make the	23		23	
			1	
	25	assignment reporter?	25	
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1	Page 22		Page 23
1	J. ANGELO	1	J. ANGELO
2	decision to terminate Ms. Livingston's employment?	2	A. My understanding is that is when
3	A. Yes.	3	somebody is paid to go into a store or interact
4	Q. Did you meet with Ms. Livingston	4	with a business, I guess, telephonically or via
5	about her termination at any time?	5	the Internet, and test out what the customer
6	A. Yes.	6	service is like, what kind of reactions they get,
7	Q. Okay. And when was that?	7	how the people perform in their duties at the
8	A. On the day she was terminated.	8	shop.
9	Q. Okay. We'll talk about the	9	Q. Have you ever done any mystery
10	termination meeting in a little while. But prior	10	shopping yourself?
11	to that termination meeting, and since you became	11	A. My wife might think I have with
12	publisher at The Post, did you have any	12	some of the gifts I give her, but, no, I have not
13	discussions or correspondence with Ms. Livingston?	13	done any mystery shopping.
14	A. No, not that I recall.	14	Q. Okay. And are you aware of anyone
15	Q. Since the time you became publisher	15	else among your acquaintances, or anyone among
16	at The Post, up until Ms. Livingston's	16	your acquaintances who have done mystery shopping?
17	termination, did you have any discussions with	17	A. No.
1 / 18	anybody else at The Post about Ms. Livingston's	18	Q. Okay. Are you aware of whether or
	• •	19	
19	job performance?	20	not Ms. Livingston has ever mystery shopped?
20	A. No, not that I recall.	1	A. Yes.
21	Q. Do you know what mystery shopping	21	Q. Okay. And are you aware of whether
22	is?	22	or not she's ever mystery shopped for TD or
23	A. I have a vague understanding of it.	23	Commerce Bank?
24	Q. Okay. What's your understanding of	24	A. Yes.
25	what mystery shopping is?	25	Q. Okay. And are you aware that she
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	Page 24		Page 25
1	J. ANGELO	1	J. ANGELO
2	has, in fact, done that?	2	MR. PEARSON: Sure. Could the
3	A. Yes.	3	question be read back?
4	Q. Okay. And are you aware of whether	4	(The requested portion of the
5	or not Ms. Livingston has ever mystery shopped for	5	record was read.)
6	a company called Shop 'n Chek?	6	A. No, I'm not aware of that.
7	A. Yes.	1 0	A. No, I'm not aware of that.
	A. 168.	7	· · · · · · · · · · · · · · · · · · ·
8		ł.	Q. Okay. And are you able to describe
8 9	Q. And has she done that?	7	Q. Okay. And are you able to describe for me what Ms. Livingston actually did when she
9	Q. And has she done that?A. Yes.	7 8 9	Q. Okay. And are you able to describe for me what Ms. Livingston actually did when she would perform or conduct mystery shops for TD or
9 10	Q. And has she done that?A. Yes.Q. Okay. Do you know what the mystery	7 8 9 10	Q. Okay. And are you able to describe for me what Ms. Livingston actually did when she would perform or conduct mystery shops for TD or Commerce Bank?
9 10 11	 Q. And has she done that? A. Yes. Q. Okay. Do you know what the mystery shopping that Ms. Livingston did for TD or 	7 8 9 10 11	Q. Okay. And are you able to describe for me what Ms. Livingston actually did when she would perform or conduct mystery shops for TD or Commerce Bank? MR. LERNER: Objection.
9 10 11 12	Q. And has she done that? A. Yes. Q. Okay. Do you know what the mystery shopping that Ms. Livingston did for TD or Commerce Bank entailed; how it worked?	7 8 9 10 11	Q. Okay. And are you able to describe for me what Ms. Livingston actually did when she would perform or conduct mystery shops for TD or Commerce Bank? MR. LERNER: Objection. MR. PEARSON: You may answer.
9 10 11 12 13	Q. And has she done that? A. Yes. Q. Okay. Do you know what the mystery shopping that Ms. Livingston did for TD or Commerce Bank entailed; how it worked? MR. LERNER: Objection. Form.	7 8 9 10 11 12	Q. Okay. And are you able to describe for me what Ms. Livingston actually did when she would perform or conduct mystery shops for TD or Commerce Bank? MR. LERNER: Objection. MR. PEARSON: You may answer. THE WITNESS: Can you read the
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9 10 11 12 13 14 15 16 17	Q. And has she done that? A. Yes. Q. Okay. Do you know what the mystery shopping that Ms. Livingston did for TD or Commerce Bank entailed; how it worked? MR. LERNER: Objection. Form. A. I know that while she was being employed by The New York Post and turning in time sheets that she was working for The New York Post she was, in fact, doing paid work on hundreds and hundreds of occasions for these mystery shopping	7 8 9 10 11 12 13 14 15 16 17	Q. Okay. And are you able to describe for me what Ms. Livingston actually did when she would perform or conduct mystery shops for TD or Commerce Bank? MR. LERNER: Objection. MR. PEARSON: You may answer. THE WITNESS: Can you read the question back, please? (The requested portion of the record was read.) A. No, I never witnessed it, but I know she wasn't working for The New York Post as
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9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. And has she done that? A. Yes. Q. Okay. Do you know what the mystery shopping that Ms. Livingston did for TD or Commerce Bank entailed; how it worked? MR. LERNER: Objection. Form. A. I know that while she was being employed by The New York Post and turning in time sheets that she was working for The New York Post she was, in fact, doing paid work on hundreds and hundreds of occasions for these mystery shopping outfits. I don't know what they're companies I guess they're called. Q. Are you aware of whether or not Ms. Livingston received payments in connection with her mystery shopping on a W-2 or 1099 basis?	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. Okay. And are you able to describe for me what Ms. Livingston actually did when she would perform or conduct mystery shops for TD or Commerce Bank? MR. LERNER: Objection. MR. PEARSON: You may answer. THE WITNESS: Can you read the question back, please? (The requested portion of the record was read.) A. No, I never witnessed it, but I know she wasn't working for The New York Post as she was supposed to be doing. (Recess taken.) Q. Are you aware of what was entailed in Ms. Livingston's mystery shopping for Shop 'n Chek?
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9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. And has she done that? A. Yes. Q. Okay. Do you know what the mystery shopping that Ms. Livingston did for TD or Commerce Bank entailed; how it worked? MR. LERNER: Objection. Form. A. I know that while she was being employed by The New York Post and turning in time sheets that she was working for The New York Post she was, in fact, doing paid work on hundreds and hundreds of occasions for these mystery shopping outfits. I don't know what they're companies I guess they're called. Q. Are you aware of whether or not Ms. Livingston received payments in connection with her mystery shopping on a W-2 or 1099 basis?	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. Okay. And are you able to describe for me what Ms. Livingston actually did when she would perform or conduct mystery shops for TD or Commerce Bank? MR. LERNER: Objection. MR. PEARSON: You may answer. THE WITNESS: Can you read the question back, please? (The requested portion of the record was read.) A. No, I never witnessed it, but I know she wasn't working for The New York Post as she was supposed to be doing. (Recess taken.) Q. Are you aware of what was entailed in Ms. Livingston's mystery shopping for Shop 'n Chek?

Page 27 Page 26 J. ANGELO 1 1 J. ANGELO when she was supposed to be working for The New 2 walked into a store, being paid by somebody to do 2 3 it when she was being paid by me, I don't know 3 York Post, is a huge problem. precisely what she did there, but I don't find it 4 MR. PEARSON: All right. I'd like 4 5 that marked as nonresponsive. 5 relevant. Any paid employment that she was doing 6 somewhere else is a problem. 6 Q. Mr. Angelo, are you aware of what Q. All right. So, Mr. Angelo, you're 7 7 was entailed in Ms. Livingston's mystery shopping 8 not aware specifically what she did for Stop 'n 8 for Shop 'n Chek? Chek then? Is that your testimony then? MR. LERNER: Objection. 9 9 10 MR. LERNER: Objection. 10 MR. PEARSON: You may answer. 11 A. Correct. 11 MR. LERNER: On each occasion, on a 12 Q. How did you become aware of 12 particular occasion? I mean, she went into 13 Ms. Livingston's mystery shopping? 13 different stores? 14 A. From reading the transcript of her 14 MR. PEARSON: Does he have any 15 deposition. 15 knowledge of what was entailed in mystery 16 shopping for Shop 'n Chek by Ms. Livingston. Q. Okay. Which transcript or 16 17 transcripts were those? 17 MR. LERNER: You can answer however 18 A. I don't know if there's multiple --18 you want. You can answer as generally or as 19 I read the transcript of the deposition she gave 19 specifically as you can, because it's an open 20 20 about mystery shopping. question. 21 21 O. Okay. So, the transcript you read, A. What precisely she did when she was 22 22 was that for a deposition taken this year of being paid by somebody else while she was 23 23 Ms. Livingston? dishonestly saying that she was working for me on A. I believe so, yes. 24 hundreds and hundreds of occasions is the point. 24 25 25 Q. Okay. Did you ever view any What precisely she did when she 877-702-9580 TSG Reporting - Worldwide 877-702-9580 TSG Reporting - Worldwide Page 29 Page 28 1 J. ANGELO 1 J. ANGELO portion of a deposition taken of Ms. Livingston given depositions before or having looked at them. 2 3 I don't know. 3 from early in 2012? O. To your knowledge, is anyone else 4 A. Not that I recall. 4 5 Q. Are you aware that Ms. Livingston 5 at The New York Post aware that Ms. Livingston was deposed in early 2012? 6 mystery shopped during her employment at the 6 7 7 paper? A. No. I mean, not really. 8 8 Q. Were you aware that Ms. Livingston A. I don't know. Q. Is Amy Scialdone aware of it? 9 9 had given any deposition in connection with this 10 A. Yes. ħο case prior to the one that she gave this year Q. Okay. Anyone else? 11 concerning her mystery shopping? 11 12 MR. LERNER: Was he aware when? 12 A. I don't know. Q. Have you discussed Ms. Livingston's 13 13 Q. Were you aware, prior to 14 mystery shopping with anyone else at The New York 14 Ms. Livingston's termination, at any time that she 15 Post? had previously been deposed in connection with 15 16 A. No. 16 this matter? Q. Apart from Ms. Scialdone or did you 17 17 A. I don't recall any specific 18 discuss it with Ms. Scialdone? 18 awareness of her having given a deposition A. Can you define "discuss"? 19 19 previous to that. Q. What does the word "discuss" mean 20 20 Q. Okay. So, you didn't know that she 21 to you, Mr. Angelo? 21 had been deposed, other than her deposition 22 A. I informed Ms. Scialdone that this 22 regarding mystery shopping? 23 behavior had occurred and, therefore, I was 23 A. Again, not that I recall. I mean, terminating Ms. Livingston. I did not discuss 24 24 is it possible that I knew that and forgot? I 25 25 don't know. I have no recollection of her having with her the matter. TSG Reporting - Worldwide 877-702-9580 TSG Reporting - Worldwide 877-702-9580

Page 31 Page 30 1 J. ANGELO 1 J. ANGELO 2 for The New York Post. I don't know if she did it 2 MR. LERNER: And all of these 3 3 answers are premised by other than with in some previous time in her life. 4 Q. Do you know when she first began 4 counsel? 5 5 THE WITNESS: Of course. mystery shopping during her employment at The 6 6 MR. PEARSON: That's correct. Post? 7 7 THE WITNESS: Yes. A. Yes. 8 8 Q. Okay. When was that? Q. At no time am I asking for the 9 9 A. My understanding is that it was substance of any communication you've had with .0 10 legal counsel. 2005. 11 11 Q. Okay. And, again, apart from A. Okay. 12 12 substantive discussions with counsel, what is that Q. That is not how I roll. 13 13 Are you aware of what period of understanding based upon? 14 time -- actually, let's do this. 14 A. The transcript of her deposition, 15 15 and records that I saw of times that she mystery Are you aware of when 16 16 shopped when she should have been, and in fact was Ms. Livingston began mystery shopping for any of 17 17 telling The New York Post that she was working for the -- you know, for the first time? I'm sorry. 18 18 When she began mystery shopping for the first The New York Post. 19 19 Q. Okay. During the time that time. 20 20 Ms. Livingston was mystery shopping, was she, in A. I know when she began mystery 21 21 shopping while she was supposed to be working for fact, performing work for The New York Post? 22 22 The New York Post. I don't know if she previously A. Can you repeat the question, 23 23 mystery shopped to that in her life. I don't know please? 24 if she previously mystery shopped to when she was 24 Q. Certainly. During the period of 25 25 doing it for -- while she should have been working time that Ms. Livingston was mystery shopping TSG Reporting - Worldwide 877-702-9580 TSG Reporting - Worldwide 877-702-9580 Page 33 Page 32 1 1 J. ANGELO J. ANGELO 2 Q. Did Ms. Livingston have stories 2 during her employment at The New York Post, was 3 published in The New York Post since you became 3 she also performing duties and work for The New publisher in mid-December 2012? 4 4 York Post? 5 5 A. I don't know. MR. LERNER: Objection. 6 6 A. Yeah, I'm sorry. That's very Q. Did you ever discuss, since you 7 vague. 7 became publisher at The Post, any freelance work 8 done by Ms. Livingston for any other company or 8 MR. LERNER: It's not clear if 9 9 you're asking about -- when you say "when she publication? 10 10 was mystery shopping," if you're talking about A. No. 11 O. And who is the previous publisher 11 a span of months or years, or if you're 12 talking about particular hours in a day. of The New York Post before you? 12 13 13 MR. PEARSON: That's fine. I can A. Paul Carlucci. 14 rephrase. I understand the objection now. 14 Q. And do you know whether 15 Mr. Carlucci had any knowledge of Ms. Livingston's 15 Q. Okay. So, from, say, 2005 to 2013 16 mystery shopping? 16 did Ms. Livingston perform duties as an employee 17 A. I don't know. 17 of The New York Post? Q. Did you ever discuss Ms. Livingston 18 18 A. Yes. 19 in any capacity with Mr. Carlucci? Q. Okay. Were any stories written by 19 20 Ms. Livingston published in The New York Post? 20 A. No. 21 21 MR. LERNER: Objection. Q. Did you ever discuss 22 22 Ms. Livingston, in any capacity, with Michelle A. Ever? 23 23 Gotthelf? O. From 2005 to 2013. 24 MR. LERNER: At any time? 24 A. I assume so, yes. 25 MR. PEARSON: At any time. Let's 25 MR. LERNER: Don't guess. 877-702-9580 TSG Reporting - Worldwide TSG Reporting - Worldwide 877-702-9580

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1	J. ANGELO	1	J. ANGELO
2	Ms. Livingston wasn't terminated	2	Q. And could it refer to performing
3	for moonlighting. And I'm not even sure we	3	paid services for one entity or employer, apart
4	have a definition of "moonlighting."	4	from your primary employment?
5	MR. PEARSON: Let's revise it.	5	A. It could, yes.
6	Well, the witness always testifies according	6	Q. Okay. Are you aware of and so,
7	to his understanding.	7	just for clarity of the record, with that, are you
8	Q. Are you aware of any New York Post	8	aware of any New York Post employees having been
9	employees having been terminated for moonlighting?	9	terminated for moonlighting?
10	MR. LERNER: What is moonlighting?	10	A. No.
11	A. Again, can you define	11	Q. Are you aware of any New York Post
12	0 0 /1	12	employees having been terminated, and specifically
13	Q. Well, do you have an understanding	13	reporters having been terminated for dereliction
14	of the term "moonlighting" and what that means?	14	of duty?
15		15	A. Not that I recall.
16		16	Q. Are you aware of any New York Post
17	ε,	17	reporters having been terminated for not spending
18		18	enough time on their reporting duties?
19		19	A. Not that I recall.
20		20	Q. Are you aware of any New York Post
21 22	<u> </u>	21 22	employees having been terminated for or in
22 23	1 4	23	connection with any freelance work that they have done?
23 24	• •	24	
25	1 V	25	
2. 3		23	(Recess taken.)
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	Page 60	***************************************	Page 61
1	J. ANGELO	1	J. ANGELO
2	Q. Mr. Angelo, are there any rules or	2	The two questions were:
3	guidelines regarding when New York Post reporters	3	"QUESTION: Are you aware of any
4	are to take lunch during the workday?	4	New York Post employees having been
5	MR. LERNER: Wait a minute. Go	5	terminated, and specifically reporters, for
6	ahead and answer that question and then I want	6	material dereliction of duty?
7	to bring up something from the prior segment.	7	"ANSWER: "Not that I recall.
8	Q. Mr. Angelo, if you could respond to	8	"QUESTION: Are you aware of any
9	the previous question.	9	New York Post employees having been terminated
10		10	for not spending enough time on their
11	,	11	reporting duties?
12	•	12	"ANSWER: Not that I recall."
13		13	And Mr. Angelo just wanted to
14	,	14	clarify his understanding of the question when
15	• • •	15	he answered.
16	7 1 1	16	MR. PEARSON: Okay. Mr. Angelo?
17	•	17	THE WITNESS: I understood that
18	_ , , ,	18	question to mean not including Kim Livingston.
19	•	19	Q. That's fine.
20		20	A. Okay.
21		21	Q. Okay. Understood. So, is it then
111		22	your testimony that Ms. Livingston was terminated
	there were a counter of questions and answers		for material dereliction of duty?
23		23	
23 24	that Mr. Angelo wanted to clarify his answers	24	A. In part. She was terminated for
22 23 24 25	that Mr. Angelo wanted to clarify his answers	1	

Page 62 Page 63 1 J. ANGELO 1 J. ANGELO 2 on hundreds and hundreds of occasions going and 2 the organization was -- left me no choice but to 3 doing paid work for another employer, not telling 3 terminate her. We have a lot of employees who 4 her supervisors about it. 4 work incredibly hard, and they don't leave their 5 MR. PEARSON: Okay. I believe the 5 post in the middle of the day and go do paid 6 witness said that gross misconduct, 6 employment for somebody else when they should be 7 7 dereliction of duty, dishonesty, and then he reporting for The New York Post. I couldn't 8 went into the part about --8 justify keeping that person on my staff. 9 MR. LERNER: Yeah. 9 Q. Are you aware of Ms. Livingston 10 10 having done any freelance writing? Q. Okay. After you learned about Ms. Livingston's mystery shopping, did you ever 11 11 A. I don't have any awareness of that. 12 consider asking her to stop doing that, rather 12 Q. Ms. Livingston has testified that 13 than terminating her employment? 13 during her employment at The Post at times she did 14 A. No. 14 freelance writing for, among other outlets, Heart 15 Q. Did you consider any other 15 and Soul Magazine, BET.com. 16 16 discipline, apart from termination? If that is a fact that 17 17 A. It was clear to me, given the scope Ms. Livingston performed that freelance work, 18 of her misdeeds, that termination was the right 18 would you consider that a dereliction of duty? 19 19 course of action. MR. LERNER: Objection. 20 20 Q. Okay. How did you reach that A. Any freelance work needs to be 21 21 conclusion? cleared with a supervisor. So, if she did it, she 22 22 should have asked for permission to do it. MR. LERNER: Objection. You can 23 23 Just like any other outside answer. 24 24 employment, such as mystery shopping, would have A. Again, the pattern of her behavior, 25 what she did, the dishonesty that she showed to 25 to be cleared with the supervisor, especially when TSG Reporting - Worldwide 877-702-9580 TSG Reporting - Worldwide 877-702-9580 Page 65 Page 64 1 J. ANGELO 1 J. ANGELO 2 you're doing it during the hours when you're 2 writing for other outlets? 3 supposed to be writing for The New York Post. 3 A. Yes. 4 Q. So, that is current New York Post 4 Q. Okay. Who are they? 5 policy, that any freelance work must be cleared 5 A. I don't have a recollection of 6 with the reporter's direct supervisor? 6 specific reporters doing it, but from time to time 7 A. Yes. 7 when I was city editor someone would ask if they 8 8 Q. Okay. How long has that policy could write a freelance piece, and we would 9 been in effect? 9 determine whether or not we thought it was 10 10 A. As long as I can remember. appropriate. 11 Q. So, has it been in effect for more 11 Q. Are you aware of any New York Post 12 than ten years, do you believe -- or excuse me --12 reporters having done freelance work for other 13 has it been in effect for more than, say, five 13 outlets without asking for permission? 14 years? 14 A. Not that I can recall. 15 15 A. Yes. Q. Are you aware of any New York Post 16 16 Q. Are you aware of any reporters who employee having been disciplined for violation of 17 do freelance work at The Post? Excuse me. Do you 17 the policy regarding asking a supervisor 18 know any New York Post reporters who do freelance 18 permission before engaging in outside work or 19 work for other outlets or publications? 19 writing? 20 MR. LERNER: Freelance writing? 20 A. I'm not aware of that, no. 21 21 MR. PEARSON: Yes, freelance Q. Apart from Ms. Livingston, of 22 22 writing. course. 23 A. No. 23 A. Yes. Thank you. 24 24 Q. Are you aware of any New York Post Q. Was anyone other than legal 25 25 reporters at any time having done freelance counsel -- I'll rephrase that question in general. TSG Reporting - Worldwide TSG Reporting - Worldwide 877-702-9580 877-702-9580

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	J. ANGELO	1	J. ANGELO
	THE WITNESS: Can you repeat it,	2	Q. So, did you write the original
3	please?	3	draft of that letter?
4	(The requested portion of the	4	A. No.
5	record was read.)	5	Q. Did you revise that letter?
6	MR. LERNER: Answer, if you know.	6	A. Yes.
7	A. I don't know.	7	Q. Did you revise multiple versions of
8	Q. When did you make the decision to	8	that letter?
9	terminate Ms. Livingston's employment?	9	MR. LERNER: Objection.
10	A. February 2013.	10	A. I don't recall.
11	Q. About how many days before her	11	Q. And how did you revise the letter?
12	termination did you make that decision?	12	MR. LERNER: Objection. That would
13	A. It was the weekend. I made the	13	get into attorney-client privileged
14	decision on a weekend, and we contacted her on the	14	information.
15	Monday.	15	MR. PEARSON: I mean, is the
16	Q. So, just a day or two before her	16	witness instructed not to answer? What's the
17	termination you made that decision?	<u>1</u> 7	situation?
18	A. Yes. It was that weekend.	18	MR. LERNER: I mean, Larry, do you
19	Q. Did you prepare a letter to	19	think that that question how he revised that
20	Ms. Livingston in connection with her termination?	20	letter that was being written in conjunction
21	A. A letter was drafted in connection	21	with counsel is an appropriate question?
22	with her termination.	22	MR. PEARSON: I don't know. I'm
23	Q. Did you draft that letter?	23	trying to determine whether let's see if we
24	A. The letter was drafted, and in	24	can get the information I'm looking for this
25	conjunction with counsel I reviewed it.	25	way.
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	Do 22 7.0		Page 77
	Page 76		-
1	J. ANGELO	1	J. ANGELO
2	Q. So, Mr. Angelo, at any point did	2	termination meetings with all of the other nine
3	you change your mind regarding whether or not	3	employees that you mentioned earlier who were
4	Ms. Livingston should, in fact, be terminated?	4	terminated?
	MR. LERNER: Objection.		
5		5	A. I'm sorry. When I answered the
6	A. No.	6	first question, forgive me, I was talking about
6 7	Q. Okay. And when did you first learn	6 7	first question, forgive me, I was talking about terminations in the newsroom. So, I thought you
6 7 8	Q. Okay. And when did you first learn about her mystery shopping?	6 7 8	first question, forgive me, I was talking about terminations in the newsroom. So, I thought you were referring to the one reporter I had referred
6 7 8 9	Q. Okay. And when did you first learn about her mystery shopping? A. At the end of that week. I can't	6 7 8 9	first question, forgive me, I was talking about terminations in the newsroom. So, I thought you were referring to the one reporter I had referred to previously. So, now you've changed it to this
6 7 8 9	Q. Okay. And when did you first learn about her mystery shopping? A. At the end of that week. I can't remember if it was the Thursday or the Friday.	6 7 8 9	first question, forgive me, I was talking about terminations in the newsroom. So, I thought you were referring to the one reporter I had referred to previously. So, now you've changed it to this other thing, so I've just can I look at my
6 7 8 9 10 11	Q. Okay. And when did you first learn about her mystery shopping? A. At the end of that week. I can't remember if it was the Thursday or the Friday. And then I made the decision over the weekend, and	6 7 8 9 10	first question, forgive me, I was talking about terminations in the newsroom. So, I thought you were referring to the one reporter I had referred to previously. So, now you've changed it to this other thing, so I've just can I look at my answer to the I don't know if my answer to the
6 7 8 9 10 11 12	Q. Okay. And when did you first learn about her mystery shopping? A. At the end of that week. I can't remember if it was the Thursday or the Friday. And then I made the decision over the weekend, and did the termination well, we initiated it on	6 7 8 9 10 11 12	first question, forgive me, I was talking about terminations in the newsroom. So, I thought you were referring to the one reporter I had referred to previously. So, now you've changed it to this other thing, so I've just can I look at my answer to the I don't know if my answer to the first thing covers do you follow what I'm
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6 7 8 9 10 11 12 13	Q. Okay. And when did you first learn about her mystery shopping? A. At the end of that week. I can't remember if it was the Thursday or the Friday. And then I made the decision over the weekend, and did the termination well, we initiated it on the Monday. Q. Have you provided termination	6 7 8 9 10 11 12 13	first question, forgive me, I was talking about terminations in the newsroom. So, I thought you were referring to the one reporter I had referred to previously. So, now you've changed it to this other thing, so I've just can I look at my answer to the I don't know if my answer to the first thing covers do you follow what I'm saying? Q. Well, I'll give you a chance to
6 7 8 9 10 11 12 13 14	Q. Okay. And when did you first learn about her mystery shopping? A. At the end of that week. I can't remember if it was the Thursday or the Friday. And then I made the decision over the weekend, and did the termination well, we initiated it on the Monday. Q. Have you provided termination letters similar to the one given to Ms. Livingston	6 7 8 9 10 11 12 13 14 15	first question, forgive me, I was talking about terminations in the newsroom. So, I thought you were referring to the one reporter I had referred to previously. So, now you've changed it to this other thing, so I've just can I look at my answer to the I don't know if my answer to the first thing covers do you follow what I'm saying? Q. Well, I'll give you a chance to clarify.
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Page 79 Page 78 1 J. ANGELO J. ANGELO 1 2 Q. Okay. Did you have termination 2 while she was employed at The Post at the same 3 3 meetings with the other nine employees who you time? 4 mentioned who were terminated in connection with 4 A. Yes. 5 the restructuring? 5 Q. Okay. Which years were those? 6 6 A. My understanding is that it was A. Some of them. 7 7 Q. Okay. Was there a reason you met from 2005 to 2010. 8 with some and not others? 8 Q. So, is it your belief that 9 A. Yes. 9 Ms. Livingston did not conduct any mystery shopping from 2011 through the present? 10 Q. What was that reason or reasons? 10 11 A. There were a number of terminations 11 A. I don't know. 12 12 that were being done at the same time as part of Q. So, you're not aware of whether or 13 this restructuring, and I just physically couldn't 13 not Ms. Livingston still mystery shops? 14 be in all nine of them. And some of the people I 14 A. No, I'm not aware if she does or 15 15 didn't know, and it was just the way we handled doesn't. Q. Are you aware of any other New York 16 16 it. 17 17 Q. Okay. What's your understanding Post employee being terminated for conduct they 18 18 regarding the period of time during which engaged in as much as three years prior to their 19 Ms. Livingston performed mystery shopping while 19 termination? 20 20 employed at The Post? MR. LERNER: Objection. 21 A. I don't understand. My 21 A. I think very clearly had this 22 22 understanding of a time period? What does that five-year pattern of misconduct been revealed at 23 23 any time, that employee would be terminated. Had mean? 24 Q. Sure. Do you know during which 24 anyone known -- I mean, obviously, Kim took great 25 25 years Ms. Livingston performed mystery shopping lengths to deceive her supervisors to the TSG Reporting - Worldwide 877-702-9580 TSG Reporting - Worldwide 877-702-9580 Page 80 Page 81 1 J. ANGELO 1 J. ANGELO extracurricular work she was doing while she working for The Post, even on paid sick leave, 2 three occasions on paid sick leave, leaving and 3 should have been working for The New York Post. 3 4 Had they known, obviously, she would have been 4 going and doing paid employment for somebody else 5 terminated. 5 without telling her supervisors about it. 6 Q. Did you review Ms. Livingston's 6 Q. New York Post employees who take 7 entire deposition transcript? 7 paid time off for sick days, are they prohibited 8 8 A. I read the whole thing, yes. from engaging in any other gainful activity on the 9 9 days that they take a paid sick day? Q. Was Ms. Livingston's termination 10 approved by anybody else at The New York Post or 10 A. I'm not aware of any policy that 11 **News Corporation?** 11 speaks to that. I think the expectation of any 12 12 A. No. employer is that if an employee says they're sick, 13 Q. Was Ms. Livingston's termination 13 and they're going to take a paid sick day, that 14 based, in part, on her writing skills? 14 they're not going to go work for somebody else for 15 15 A. No. money. 16 16 Q. Was her termination based, in part, Q. Is it the expectation of The Post 17 17 that when an employee takes a paid sick day, that on the number of stories that she had appear in 18 18 The New York Post? they are confined to their home, due to their 19 19 A. No. illness? 20 Q. Was it based, in part, on the 20 MR. LERNER: Objection. 21 number of story ideas that she pitched to editors 21 A. You're asking me about hypothetical 22 22 situations of somebody's hypothetical sick day. of The Post? 23 23 A. No. It was based on her spending O. I'm asking about your expectation many hours, hundreds and hundreds of occasions, 24 24 as a supervisor at The Post? 25 25 leaving her post when she was supposed to be A. My expectation is they're sick. TSG Reporting - Worldwide 877-702-9580 TSG Reporting - Worldwide 877-702-9580